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TODAY'S DATE: May 16, 2000**PLEASE DELIVER THE FOLLOWING MESSAGE TO:**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Attn: Richard RossFacsimile number: 703-308-6459**RECEIVED**
16 MAY 2000Legal Staff
International Division**THIS MESSAGE IS FROM:**Name: Michael D. YablonskyPhone No.: (732) 594-4678 Mail Location: RY60-30Fax No.: (732) 594-4720**RE:** Applicants: Bonnert, et al.Case No.: T1481Serial No.: 09/445,614Filed: December 8, 1999Title: HUMAN VANILLOID RECEPTOR-LIKE RECEPTORNUMBER OF PAGES BEING TRANSMITTED (INCLUDING COVER): 3**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (732) 594-1109****CERTIFICATION OF FACSIMILE TRANSMISSION**

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May 16, 2000

Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bonnert, Timothy P.

Serial No.: 09/445,614 – Attorney's Case No.: T1481

Art Unit:

TBA

Filed: December 08, 1999

Examiner:

For: HUMAN VANILLOID RECEPTOR-LIKE
RECEPTOR

TBA

Assistant Commissioner for Patents

Washington, D.C. 20231

Box PCT

Attention: Richard Ross, PCT Legal Office

PETITION UNDER 37 C.F.R. § 1.182

Sir:

This is Petition is filed to request that the above-referenced application be treated as an application filed under 35 U.S.C. § 111. The Commissioner is authorized to charge Deposit Account No. 13-2755 for any fees necessary to consider or to bring into effect a decision on this Petition, including all application filing fees.

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May 16, 2000

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REMARKS

Application as filed

Applicant filed an Application including a specification having at least one claim, three drawings and an abstract on December 08, 1999. The specification was accompanied by a Transmittal Letter, an unsigned declaration claiming priority to foreign application GB 9827016.8, filed December 08, 1998, and a Preliminary Amendment. All papers were filed within one year of the filing of the foreign priority application by depositing the papers with U.S. Post Office Express Mail service under 37 C.F.R. § 1.10 on December 08, 1999. The Application was received by the U.S. Patent Office and assigned Serial Number 09/445,614 and a filing date of December 08, 1999.

Applicant's Transmittal Letter

Applicant's Transmittal Letter erroneously requested that the Application be filed under 35 U.S.C. § 371. Nevertheless, Applicant's Transmittal Letter correctly identified the Application, the priority application, the inventor and authorized the payment of all fees due in connection with the filing of the Application from Deposit Account No. 13-2755.

The error arose because Applicant's standard transmittal letter for applications filed under 37 C.F.R. § 1.53(b) did not contain a line for making a claim for priority to a foreign application. Therefore, Applicant's attorney mistakenly used Applicant's standard transmittal letter for applications filed under 35 U.S.C. § 371 and identified the foreign priority application as the "International Application."

Applicant's Request

Applicant respectfully requests that the Commissioner treat this Application as it was intended to be filed -- as an Application filed under 35 U.S.C. § 111 claiming the priority of foreign application GB 9827016.8. Applicant believes that the specification, drawings, declaration, and the authorization to charge all fees due in connection with the filing of the application are appropriate as filed and satisfy all the requirements for the filing of an application under 35 U.S.C. § 111 and 37 C.F.R. §§ 1.51-1.55.

Applicant also requests that this application be permanently assigned Serial Number 09/445,614 and that a Filing Receipt be forwarded to Applicant.

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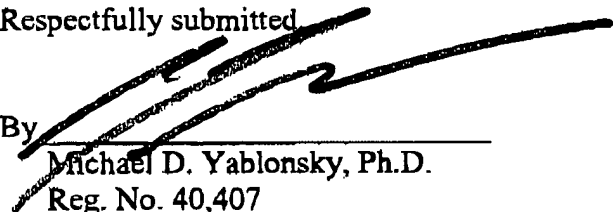
CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

The Examiner is invited to contact Applicant's Attorney at the telephone number given below, if such would expedite the consideration of this petition.

Respectfully submitted

By


Michael D. Yablonsky, Ph.D.
Reg. No. 40,407
Attorney for Applicant

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May 16, 00